REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 128-141 and 147-149 are pending. In this response, no claim has been canceled. Claims 128-141 and 147-148 have been amended. Claims 150-152 have been added.

Comments regarding Claim Interpretation

Applicant believes that the Examiner has misinterpreted the specification and the claims. The resultant contour between the void and the electronic component, shown in Figure 4A and discussed in, for example, paragraph 60 provides for both improved manufacturing and improved durability. Further, as explained in paragraphs 56 and 58, elastic conductive material (for an antenna) provides for greater tag and ball durability relative to a foil antenna. Applicant also notes that tags having active components are described in the specification; see, for example, paragraphs 4 and 89. Paragraph 4 refers to an RFID which includes an active ASIC chip, and paragraph 89 describes an embodiment of a tag having active components. Clearly, the claims should be construed as covering tags having active components.

Claim Rejections under 35 U.S.C. §112

Applicant has either amended the various claims rejected under §112 or has provided arguments below with respect to each §112 rejection. Hence, all of these §112 rejections should be withdrawn.

With respect to paragraph 7 in the Office Action, Applicant has, without agreeing with the Examiner's position, replaced "spherical material" with "spherical object."

With respect to paragraph 8 in the Office Action, Applicant submits that this rejection should be withdrawn as there is clear support for "electronic component." See, for example, paragraph 82 and paragraph 81 and paragraph 89. Lines 4-9 of paragraph 82 refer to "electronic" or "electrical" components 3 times.

With respect to paragraph 9, Applicant has, without agreeing with the Examiner's position, replaced "golf ball component" with "golf ball." Hence this rejection should be withdrawn.

With respect to paragraphs 10, 11 and 12 in the Office Action, Applicant has amended claims 132, 138, and 139 to overcome these §112 rejections.

With respect to paragraph 13 in the Office Action, Applicant notes that the specification describes several embodiments which the claims 131, 137 and 149 encompass; these claims contain the language "at least one of a RFID circuitry, an integrated circuit, and a diode." This language clearly says that at least one of three (3) elements is required, where the three (3) elements are: (1) RFID circuitry; (2) integrated circuitry; and (3) a diode. The specification describes all three; see, for example, paragraphs 8 (describing a diode or a transistor) and 69 (describing a diode or a transistor or an RFID integrated circuitry) and 89. Integrated circuitry (IC) is described because an RFID IC is an IC. Hence, there is support for these claims.

With respect to paragraph 14 in the Office Action, Applicant submits that this rejection is improper and should be withdrawn. There are numerous places in the original specification where the detection range of at least 20 feet is described; see, for example, original claims 4, 32, 43, 99, and 104 and paragraphs 8, 15, 76 and 78. The RFID device referred to in paragraph 4 is a certain type of prior RFID device which has a limited range as described in that prior art reference; that range for the prior RFID device does not apply to the type of tag described by the specification. Hence, this rejection should be withdrawn.

With respect to paragraph 15 in the Office Action, Applicant believes that "said first electrical component" as recited in claim 149 has a proper antecedent basis in the second line of the third paragraph of claim 148; therefore this rejection should be withdrawn.

Rejections under §102 and §103

Claims 128-130, 135-136, 138, 147 and 148 were rejected as being anticipated by Kuesters (U.S. 6,113,504). Claims 131, 137 and 149 were rejected as being unpatentable over Kuesters in view of Golliffe (U.S. 7,059,974). Claims 132 and 139 were rejected as being unpatentable over Kuesters in view of Golliffe and Pirritano (U.S. Appln Pub. No. 2004/0058749). Claim 133 was rejected as being unpatentable over Kuesters in view of Golliffe in view of Horchler. Claims 134 and 140 were rejected as being unpatentable over Kuesters in view of Golliffe and Masters (U.S. Appln Pub. No. 2003/0017884). Claim 141 appears to be rejected on the same grounds as claims 136 and 138-140 (presumably a rejection that claim 141 is unpatentable over Kuesters in view of Golliffe, Pirritano and Masters).

Applicant submits that the Examiner has improperly used hindsight to piece together several incompatible and disparate references in order to create the present rejections.

Kuesters does not anticipate the claims. The claims require, taking claim 128 as an example, "at least one antenna attached to the outer spherical surface, the at least one antenna configured to transmit an RF signal and configured to be coupled to the at least one electronic component." This feature is missing in Kuesters. Kuesters describes a golf ball which has many infrared (IR) diodes disposed about the ball. Kuesters does not disclose an antenna on an outer surface of a spherical surface, which antenna is configured to transmit an RF signal and is configured to be coupled to an electronic component (such as an RFID IC). Hence, Kuesters does not anticipate claim 128 and, for similar reasons, the other independent claims.

This claimed feature is also missing from the other references and hence the rejection under §103 should be withdrawn as the rejection fails to create a prima facie case for obviousness. Golliffe describes a coded chip and an aerial which are disposed on a diaphragm at the center of the ball's core (rather than on the claimed outer surface of a spherical object).

Further, Golliffe does not disclose a void recessed below that outer surface. Golliffe teaches away from the claimed system as it places the coded chip and the aerial at the center of the ball, not on an outer spherical surface.

Pirritano describes a passive transponder on a golf ball; the passive transponder is a tuned LC circuit on the ball which is charged by an RF transponder/receiver. The tuned LC circuit is a loop which forms both the antenna and the capacitor of the LC circuit. There is no electronic component disposed at least partially in a void which is adjacent to the antenna. Hence Pirritano fails to describe the claim limitation (taking claim 128 as an example): "at least one antenna attached to the outer spherical surface, the at least one antenna configured to transmit an RF signal and configured to be coupled to the at least one electronic component." Claim 128 also requires a "first void" and a "second void" which are recessed below the outer spherical surface and which are configured to receive at least one electronic component. The asserted combination of Kuesters and Golliffe and Pirritano is pure hindsight; moreover, this incompatible combination, assuming arguendo that the combination can be made, still does not disclose all of the limitations of the independent claims. For example, this combination does not disclose "at least one antenna attached to the outer spherical surface, the at least one antenna configured to transmit an RF signal and configured to be coupled to the at least one electronic component."

Horchler does not describe these noted features of the claims and thus does not cure the failure of the combination of Kuesters, Golliffe and Pirritano to make the claims obvious. Horchler describes an active electronic circuit at the center of the ball; hence, Horchler, like Golliffe, teaches that the electronic components should be isolated in the center of the ball. Horchler does not describe a void on an outer spherical surface and does not describe an antenna on that outer spherical surface.

Masters also does not describe these noted features of the claims and thus does not cure the failure of the combination of Kuesters, Golliffe and Pirritano and Horchler to make the claims obvious. Masters is not relevant art because it deals with golf clubs and how to use a superelastic material in a golf club.

The dependent claims include these noted features of the independent claims and hence are patentable over the cited art for at least the reasons given above.

Conclusion

In view of the foregoing, Applicants respectfully submit that the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Applicant respectfully requests a one-month extension of time to respond to the pending Office Action. Please charge Deposit Account No. 02-2666 in the amount of $120.00 for this extension. Furthermore, please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: Sept. 2, 2008

James C. Scheller, Jr.
Reg. No. 31,195

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300